



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
FREEDOM OF INFORMATION ACT BRANCH
Washington, D.C. 20570

Via email

September 13, 2022

Re: FOIA Request NLRB-2022-001560

Dear Caitie Occhipinti (American Bridge 21st Century):

This is in response to your request, under the Freedom of Information Act (FOIA), 5 U.S.C. § 552, received on July 18, 2022, in which you sought the complaints in *Michels Pipeline, et al.*, Case Nos: 30-CD-000161, 18-CB-004946, 18-CB-004824, 18-CA-019080, 33-CD-000470, 19-CB-009913, 19-CB-009975, 19-CB-009976, 19-CB-009993, 12-CB-151482, 12-UC-151223, 12-CE-151239, 18-CA-294821, and 13-CA-294832 (14 cases). You assumed financial responsibility for the processing of your request in the amount of \$37.00.

We acknowledged your request on July 18, 2022. In a July 20, 2022 telephone conversation and email with a member of the FOIA staff, you confirmed that you were seeking either the charges or petitions in Case Nos. 12-UC-151223, 12-CE-151239, 12-CB-151482, 13-CA-294832, 18-CB-004824, 18-CB-004946, 18-CA-019080, 18-CA-294821, 19-CB-009913, 19-CB-009975, 19-CB-009976, 19-CB-009993, 30-CD-000161, and 33-CD-000470.

As explained below, your request is granted in part and denied in part. Attached please find 11 pages of responsive records.

A search of the Agency's electronic casehandling system, NxGen, and the Agency's public website has been conducted. Records for eight of the 14 cases were located and are attached (12-CB-151482, 12-CE-151239, 12-UC-151223, 13-CA-294832, 18-CA-294821, 18-CB-004946, 19-CB-009993, and 33-CD-000470). Further, searches were conducted in the Agency's Region 19 Office, which resulted in responsive records for an additional three cases, also attached (19-CB-009913, 19-CB-009975, and 19-CB-009976). No records were found responsive to your request for charges or petitions from Case Nos. 18-CB-004824, 18-CA-019080, and 30-CD-000161.

Pursuant to the Agency's record retention and disposition policy, records are retained for a six-year period, which commences at the close of the calendar year during which the case is closed. The records are then destroyed, unless they are selected for permanent retention based on their legal significance. Given

the age of these requested cases, search inquiries for potential paper records were made to the NLRB Case Records Unit. The Case Records staff conducted searches and confirmed that cases 18-CB-004824 18-CA-019080, and 30-CD-000161 were not selected for permanent retention.

Notwithstanding the Agency's record retention and disposition policy, further search inquiries were made to the Region 18 and Region 30 Offices for any paper records which may have been maintained by that office in those three cases. Staff in those offices conducted searches, and those searches yielded no responsive records.

After a review, I have determined that portions of the attached records are exempt from disclosure under Exemptions 6 and 7(C) of the FOIA (5 U.S.C. § 552(b)(6) and (b)(7)(C)). Specifically, redactions have been made to protect the privacy interests of individuals named in the records. These redactions were made pursuant to FOIA Exemption 6, which protects personally identifiable information, the release of which would constitute a clearly unwarranted invasion of personal privacy, and FOIA Exemption 7(C), which protects records or information compiled for law enforcement purposes, the release of which could reasonably be expected to constitute an unwarranted invasion of personal privacy. 5 U.S.C. § 552(b)(6) and (b)(7)(C).

For the purpose of assessing fees, we have placed you in Category D, the "all other requesters" category, because you do not fall within any of the other fee categories. Consistent with this fee category, you will be assessed charges to recover the reasonable direct costs for searching for the requested records, except that you will not be charged for the first two hours of search. NLRB Rules and Regulations, 29 C.F.R. § 102.117(d)(2)(ii)(D). Charges for all categories of requesters are \$9.25 per quarter hour of professional time. 29 C.F.R. § 102.117(d)(2)(i).

Less than two hours of professional time was expended in searching for the requested material. Accordingly, there is no charge assessed for this request.

You may contact Timothy Bearese, the Attorney-Advisor who processed your request, at (202) 273-3752 or by email at Timothy.Bearese@nlrb.gov, as well as the Agency's FOIA Public Liaison, for any further assistance and/or to discuss any aspect of your request. The FOIA Public Liaison, in addition to the FOIA Specialist or Attorney-Advisor, can further explain responsive and releasable agency records, suggest agency offices that may have responsive records, and/or discuss how to narrow the scope of a request in order to minimize fees and processing times. The contact information for the FOIA Public Liaison is:

Kristine M. Minami
FOIA Public Liaison

National Labor Relations Board
1015 Half Street, S.E., 4th Floor
Washington, D.C. 20570
Email: FOIAPublicLiaison@nrlb.gov
Telephone: (202) 273-0902
Fax: (202) 273-FOIA (3642)

After first contacting the Agency, you may additionally contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA dispute resolution services it offers. The contact information for OGIS is:

Office of Government Information Services
National Archives and Records Administration
8601 Adelphi Road-OGIS
College Park, Maryland 20740-6001
Email: ogis@nara.gov
Telephone: (202) 741-5770
Toll free: (877) 684-6448
Fax: (202) 741-5769

You may obtain a review of this determination under the NLRB Rules and Regulations, 29 C.F.R. § 102.117(c)(2)(v), by filing an administrative appeal with the Division of Legal Counsel (DLC) through FOIAonline at:
<https://foiaonline.gov/foiaonline/action/public/home> or by mail or email at:

Nancy E. Kessler Platt
Chief FOIA Officer
National Labor Relations Board
1015 Half Street, S.E., 4th Floor
Washington, D.C. 20570
Email: DLCFOIAAppeal@nrlb.gov

Any appeal must be postmarked or electronically submitted within 90 calendar days of the date of this letter. Any appeal should contain a complete statement of the reasons upon which it is based.

Please be advised that contacting any Agency official (including the FOIA Specialist, Attorney-Advisor, FOIA Officer, or the FOIA Public Liaison) and/or OGIS does not stop the 90-day appeal clock and is not an alternative or substitute for filing an administrative appeal.

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Sincerely,

/s/ *Synta E. Keeling*

Synta E. Keeling

FOIA Officer

Attachment: (11 pages)